

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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BARBARA HANDSCHU, *et al.*,

Plaintiffs,

No. 71 Civ. 2203 (CSH)

-against-

POLICE DEPARTMENT OF THE CITY OF
NEW YORK, *et al.*,

AUGUST 8, 2023

Defendants.

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ORDER APPOINTING ADDITIONAL COUNSEL FOR PLAINTIFF CLASS

HAIGHT, Senior District Judge:

The Court is in receipt of a letter (see Exhibit 1) from Plaintiffs’ Class Counsel Jethro M. Eisenstein, dated August 4, 2023. In that letter, pursuant to Federal Civil Rule 23(g), Mr. Eisenstein “request[s] that the Court appoint additional counsel for the plaintiff class in this case.” Letter, at 1. In particular, he notes that Attorney Paul Chevigny “has retired” and that he and his colleagues, Messrs. Eisenberg and Stolar, are inevitably advancing in age.¹ Letter, at 1. Because, as this Court previously noted, this case will necessarily continue into the future – “as long as the City of New

¹ The Court is heartened to learn that Mr. Eisenstein and his colleagues have “no present intention to withdraw from service a[s] class counsel.” Letter, at 1. Mr. Eisenstein, in particular, is commended for serving ably and admirably for decades, “fairly and adequately represent[ing] the interests of the class.” Fed. R. Civ. P. 23(g)(4). Although admittedly “not immortal” (Letter, at 1), Mr. Eisenstein and his co-counsel will be well remembered long after they ultimately withdraw from representation of the Plaintiff Class.

York stands . . . [and] maintains a police force to protect the public and assist in enforcement of the rule of law,” 219 F. Supp. 3d at 391 – Mr. Eisenstein asserts that “it would be prudent to seek approval for additional class counsel.” Letter, at 1-2. Based on their civil rights litigation experience, he proposes approval of the following three members of the New York Bar and the Bar of the United States District Court for the Southern District of New York: (1) Perry Grossman, (2) Daniel Lambright, and (3) Gideon Orion Oliver. *Id.* at 2-3.

In light of their credentials, relevant experience, and knowledge of applicable law, the Court concurs that the proposed attorneys are well equipped to “fairly and adequately represent the interests of the class.” *Id.* at 3. *See also* Fed. R. Civ. P. 23(g)(4) (“Duty of Class Counsel”). Accordingly, the Court construes Mr. Eisenstein’s letter of August 4 as a motion to appoint additional class counsel and GRANTS that motion. Pursuant to Federal Rule of Civil Procedure 23(g)(1) and (4), the Court hereby APPOINTS the named attorneys as additional counsel for the Plaintiff Class in this action: Perry Grossman, Daniel Lambright, and Gideon Orion Oliver. Each is directed to enter an appearance for Plaintiffs forthwith.

It is SO ORDERED.

Signed: New Haven, Connecticut
August 8, 2023

/s/Charles S. Haight, Jr.
CHARLES S. HAIGHT, JR.
Senior United States District Judge